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AUG 28 2006

OFFICE OF PETITIONS

In re Application of :
Jonathan B. Rothbard et al. :
Application No. 10/083,960 : DECISION ON PETITION
Filed: February 25, 2002 : UNDER 37 C.F.R. §1.181
Attorney Docket No.: 019801- :
000240US :
Title: COMPOSITIONS AND METHODS :
FOR ENHANCING DRUG DELIVERY :
ACROSS AND INTO OCULAR TISSUES :

This is a decision on the petition filed June 23, 2006, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed April 17, 2002, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 18, 2002.

The petition is further accompanied by a declaration, as well as a copy of applicants' postcard receipt acknowledging receipt of a "declaration" in the United States Patent and Trademark Office (Office) on June 24, 2002. It is noted that the submission contains a certificate of mailing dated June 17, 2002.

Upon review of the electronic record, the above-mentioned declaration has not been located among the application papers. However, the evidence is convincing that the declaration was

submitted to the Office on June 17, 2002, received on June 24, 2002, and subsequently misplaced in the Office.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the declaration was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).